



Docket No. 8004-1013
Appln. No. 10/028,778

REMARKS

The application is believed to be in condition for allowance for the reasons set forth below.

Claims 2, 4, 6, 8-11 and 15-53 are pending in the application. Applicants note with appreciation the indication that claims 2, 4, 8-11 and 15-53 are allowed.

Claim 6 was rejected over HIBINO et al. 6,529,251 in view of SHIMADA et al. 6,448,578. That rejection is respectfully traversed.

The position set forth in the Official Action is that Figure 4 of HIBINO discloses a three layer gate electrode structure having a top layer 15 of TiN, a middle layer 14 of Al and a lower layer 13 of Ti.

Although the Examiner's characterization of HIBINO appears correct, nevertheless, HIBINO does not disclose that which is recited.

Claim 6 recites a multi-level film including Al at the bottom, Ti at the middle and TiN film at the top. Since HIBINO teaches Al as the middle film, the disclosed structure of HIBINO does not meet the limitations of claim 6.

SHIMADA does not overcome the shortcomings of HIBINO. Rather, column 6, lines 20-29 of SHIMADA discloses a lower Ti layer 3a, a middle Al layer 3b and a top TiN layer 3c.

The above-noted feature is missing from both of the references, is absent from the combination and thus, would not have been obvious to one having ordinary skill in the art.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and passage to issue are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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